



## STATE OF WASHINGTON

### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

ESA State Tribal Relations Unit (STRU), P.O. Box 45857, Lacey, Washington 98504-5857

#### STRU'S TRIBAL IV-D CHECKLIST

*The purpose of this checklist is to inform and guide STRU, DCS Headquarters and DCS District Staff on steps involved in working with a new Tribal IV-D Program to collaborate on child support services. The steps are not in chronological order.*

##### 1. Considerations For Tribes:

- ☐ Identify the service population and jurisdiction of cases that will be served.
- ☐ Establish a complete Tribal C.S. Code per 45 CFR 309, Tribal Child Support Enforcement Programs. [DCS and STRU staff are available as a resource to the Tribe in the development and review of child support code, policy and procedure.]
- ☐ Develop a Tribal Program Plan and Procedures, including procedures to cooperate with other state and tribal child support programs, and procedures to recognize foreign orders as defined under the Full Faith and Credit for Child Support Orders Act (FFCCSOA).
- ☐ Negotiate with DCS/STRU concerning any limited child support services the Tribe may want DCS to perform. For example:
  - ✓ Locate services to assist the Tribe in locating non-custodial parents and their assets as required under 45 CFR 309.95. DCS provides Quick Locate Services that do not require opening a IV-D Case.
  - ✓ Requests for courtesy draws for genetic testing when a paternity action has been initiated in tribal court and the parties will voluntarily submit to testing.
  - ✓ Paternity and child support establishment when the alleged father is not under the jurisdiction of the tribal court and does not voluntarily submit to their jurisdiction.
  - ✓ Requests for enforcement such as, withholding assets/funds not accessible by the tribe such as Unemployment Compensation (UC) or Labor & Industries (L&I) benefits, lottery offset and driver's license suspension.
  - ✓ Requests for federal offset. Currently, Tribal IV-D programs access federal IRS certification through state IV-D agencies.
- ☐ If the Tribe is applying for a waiver of the non-federal share per 45 CFR 309,103 the Tribe may include written documentation from the State on whether DCS can provide the 10% Non-Federal Share. (DCS is currently unable to provide this match).
- ☐ Submit a complete Tribal IV-D Plan to the Federal OCSE Office per the Interim Final Rule.
- ☐ Inform DCS of acceptance of their Tribal IV-D Plan.
- ☐ Collaborate with DCS to coordinate child support services, including developing procedures or a Memorandum of Agreement (MOA) to address:

- ✓ How to send referrals between state and tribal IV-D programs (forms, timeframes, methods).
- ✓ Which IV-D program will manage a particular case.
- ✓ Services that will be performed by each program.
- ✓ How (method and timeframes) critical information will be shared between each program.
- ✓ Other issues: coordinating collection actions, modification of orders, charge-off issues, etc.
- ❑ Supply DCS with bank account information for DCS to distribute child support payments to the tribal IV-D Program using electronic funds transfer (EFT).

## **2. STRU Responsibilities:**

- ❑ Provides technical assistance upon request, to the Tribe in preparing their IV-D Plan. Assistance may include providing the Tribe with numerous child support resources, providing training, and reviewing:
  - ✓ Draft tribal codes,
  - ✓ IV-D Plan, and/or
  - ✓ Child Support policy, procedure and forms.
- ❑ Partnering with DCS to assure timely response to tribal requests. For example, providing a response to requests for services.
- ❑ Responds to a tribal request for, or initiates, negotiations between DCS Headquarters, DCS District Office and STRU to address Tribal IV-D Program needs and request for services.
- ❑ Provides, in collaboration with DCS, training on DCS Policy and Procedure, as requested.
- ❑ Provides guidance to DCS on state-tribal policy and procedures for services to Tribal IV-D Programs, such as transfer of cases, data exchange, etc.
- ❑ Drafts DCS Tribal policy, and coordinates implementation of DCS policy and procedure between DCS Headquarters, DCS District Office Staff and the Tribe.
- ❑ Serves as a point of contact for Tribes on DCS Policy, cooperative child support agreements and MOA's.
- ❑ Coordinates response to Tribal Requests for clarification regarding DCS policy.
- ❑ Tracks progress and issues related to implementation of state-tribal IV-D procedures.
- ❑ Informs IV-D Tribes of [CN-235 Tribal IV-D Programs](#), [DCS Policy Clarification 2-014 Tribal Public Disclosure Issues](#), and relevant forms (i.e. Locate Referral Sheet – Tribal, EFT, DCS and Tribe Information Change Notice, Federal Interstate Referral forms). Determines concerns, impediments and alternatives as raised by the Tribe.

## **3. DCS Headquarters Responsibilities:**

- ❑ Responds to Tribal IV-D Applicant's request for the 10% Tribal Matching Funds.
- ❑ Responds to Tribal IV-D Applicant's Request for limited services.

- ❑ Provides policy clarification on DCS's statewide policy and procedure to STRU and Tribal IV-D Programs, as needed.
- ❑ Directly participates in state tribal negotiations facilitated by STRU regarding Tribal IV-D Programs, as requested by the Tribe or STRU.
- ❑ Oversees implementation of DCS policies and procedures concerning DCS roles and responsibilities in Tribal IV-D cases.
- ❑ Requests federal clarification or lobby for a change in federal rules to facilitate better state tribal IV-D collaboration and child support services.

#### 4. DCS District Office Responsibilities:

- ❑ Manages DCS Tribal IV-D cases, serves as the local point of contact for case issues, implements formal agreements, develops local procedure, and represents DCS in Tribal Court, as appropriate.
- ❑ Upon request, provides basic statistical data regarding affected tribal cases to STRU, DCS Headquarters and/or to the tribe for planning and accounting purposes.
- ❑ Participates in negotiation meetings, training or technical assistance between STRU, DCS Headquarters and the Tribal IV-D Program to determine methods regarding Tribal IV-D services.
- ❑ Follows DCS policy and procedure on State Tribal Services including [Chapter 13 Tribal Enforcement](#), [CN-235 Tribal IV-D Programs](#) and [DCS Policy Clarification 2-014 Tribal Public Disclosure Issues](#).
- ❑ At the point DCS becomes aware of the approval of a Tribal IV-D program, DCS:
  - ❑ Identifies Tribal IV-D cases and considers assigning them to a designated employee number. Post a **CC 76** and a **WB** comment.
  - ❑ Works with the tribe to determine how and when to send referrals on existing cases to the tribe, how to coordinate child support services and how to communicate critical information with each other.
  - ❑ Works with the tribe, STRU and DCS Headquarters to determine how DCS will provide child support services requested by the tribe.
  - ❑ Sets-up responding tribal IV-D cases in accordance with [CN-235 IV. D.](#)
  - ❑ Sends the [DSHS 09-881 Child Support Case Information](#) form to the CP.
  - ❑ Stops referring cases to the Prosecuting Attorneys Office for paternity and/or child support establishment.
  - ❑ Screens all paternity establishment cases to determine if the case is included within a [Tribal IV-D Program](#).
  - ❑ Informs STRU of any meetings or procedural decisions that are made with the Tribal IV-D Program before implementation occurs.
  - ❑ Involves STRU in any discussions concerning policy and/or child support agreements.
  - ❑ Participates in ongoing periodic discussions with the Tribe on issues or changes to policy, procedure, gaps in services, etc. These discussions are consistent with the DSHS Admin Policy 7.01 process and should be captured in the report and planning updates.